

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No. 17cv8558

EMA FINANCIAL, LLC,

Plaintiff,

v.

PETRONE WORLDWIDE, INC. and
PETRONE FOOD WORK, INC.,

Defendants.

~~PROPOSED~~ DEFAULT JUDGMENT

Plaintiff EMA Financial, LLC (“**EMA**”) commenced this action on November 6, 2017, by filing a summons and complaint (the “**Complaint**”). *See* Docket Entry (“**D.E.**”) 1. A copy of the Complaint was served on Defendant Petrone Food Work, Inc. (“**Petrone**”) at 2200 North Commerce Parkway, Suite 200, Weston, Florida 33326. On November 22, 2017, at approximately 11:30 am, Robin Lucas, a process server duly authorized to serve legal process, served Defendant Petrone by serving an agent at Defendant Petrone’s principal place of business. *See* D.E. 51.

On or about December 12, 2017, Defendant Petrone’s counsel served EMA with an Answer on behalf of both Defendant Petrone Worldwide, Inc. (“**Petrone Worldwide**”) and Defendant Petrone. *See* D.E. 12. On February 6, 2018, Defendant Petrone Worldwide and Defendant Petrone filed their First Amended Answer (D.E. 20). On July 27, 2018, Defendant Petrone Worldwide filed for Chapter 7 bankruptcy in the U.S. Bankruptcy Court for the Southern

District of Florida. On or about July 31, 2018, Defendant Petrone Worldwide filed a Suggestion of Bankruptcy (D.E. 34) staying this action as to Defendant Petrone Worldwide.

On September 4, 2018, Defendant Petrone's counsel moved this Court to withdraw as counsel ("**Motion to Withdraw**") for Defendant Petrone. *See* D.E. 39, 39-1, 39-2. On September 13, 2018, during a scheduled status conference, this Court granted Defendant Petrone's Motion to Withdraw and stayed this matter for six (6) months. *See* D. E. 40, 41. On October 21, 2020, this Court entered an order lifting the stay as to Defendant Petrone Worldwide and dismissing EMA's claims against Defendant Petrone Worldwide. *See* D.E. 50. However, Defendant Petrone remains a party to this action as a guarantor under the Note, and has failed to retain new counsel and defend the action. Therefore, it is

ORDERED, ADJUDGED AND DECREED: That Plaintiff EMA have judgment against Defendant Petrone in the amount of \$100,000.00 with interest at 10% from June 22, 2017, through October 24, 2017, amounting to \$3,424.66 and default sum factor multiplier (200%), default interest at 24% from October 25, 2017, through January 6, 2021, amounting to \$159,132.29 plus attorneys' fees, costs, and disbursements of this action in the amount of \$25,195.60 amounting in total to \$391,177.21.

DATED: January 26, 2021
New York, New York



United States District Judge
Hon. Judge Paul G. Gardephe